

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN ALLAN WALTERS**, on January 16, 2001 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Allan Walters, Chairman (R)
Rep. Debby Barrett, Vice Chairman (R)
Rep. Tom Dell, Vice Chairman (D)
Rep. Norma Bixby (D)
Rep. Dee Brown (R)
Rep. Donald L. Hedges (R)
Rep. Hal Jacobson (D)
Rep. Larry Jent (D)
Rep. Michelle Lee (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Gay Ann Masolo (R)
Rep. Douglas Mood (R)
Rep. Alan Olson (R)
Rep. Holly Raser (D)
Rep. Rick Ripley (R)
Rep. Clarice Schrupf (R)
Rep. Frank Smith (D)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Ruthie Padilla, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 204, HB231, 1/11/2001
Executive Action: None

HEARING ON HB 204

Sponsor: REPRESENTATIVE ROD BITNEY, HD 77, KALISPELL

Proponents: **Robert Throssell, Montana Clerk and Recorders
Association
Sue Haverfield, Flathead County Clerk and Recorder**

Opponents: **Mathew Leow, Montana Public Interest Research
Group**

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0}

REPRESENTATIVE ROD BITNEY, HD 77, KALISPELL, stated the bill gives clarification on how names are removed from voter registration lists. The need for the bill arises from the adoption of the National Voters Rights Act (NVRA). If an elector fails to vote in two consecutive Federal General Elections, the electors' voter registration will be canceled. The electors name cannot be removed from the registration list because they missed voting in one election, they must miss voting in two elections.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 7.9}

Robert Throssell, Montana Clerk and Recorder Association, discussed and explained why the NVRA was passed and how it effects the election process. He discussed the bill with the committee and explained the intent of this legislation.

Sue Haverfield, Flathead County Clerk and Recorder, explained the process of the active and inactive voter registration lists and how they are currently maintained. The bill will keep the lists cleaner, maintain a better registered elector list, which will provide better participation. When the NVRA came in effect, there were a lot of people who were registered on the inactive list who do not show up to vote. It is very difficult to maintain a list 6 years after an election.

Opponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 17.2}

Mathew Leow, Montana Public Interest Research Group stated he understands the concerns of wanting to keep the registered voter lists clean, however, he is concerned the bill will lead to hasty purging of the list and cause problems in ensuring fairness to voters.

Questions from Committee Members and Responses:***{Tape : 1; Side : A; Approx. Time Counter : 21.4}***

REPRESENTATIVE BROWN asked for an explanation of the process a voter would go through in order to be put back on the active list. **Sue Haverfield** replied, once they move an elector to an inactive list, they can reactivate their registration by just notifying the County and updating their information. She stated Flathead County mailed over 15,000 reactivation cards with postage prepaid to mail updated information back to the county. Each contained a .33 cent letter with a .20 cent postcard enclosed in the letter. The postage alone is very expensive on 15,000 letters and many of the letters come back because the addresses are not good. **REPRESENTATIVE BROWN** then clarified this bill would save Flathead County the cost of man hours and save \$7,000.00 in postage cost.

REPRESENTATIVE DELL asked if notifications will continue to be sent out to individuals after they fail to vote two consecutive years in a row. **Robert Throssell** replied yes, the mailing is still required. The mailing would be sent after the first missed election, instead of after two years.

REPRESENTATIVE SMITH stated there is no fiscal note with the bill. If there are savings by passing a bill a fiscal note should be attached. **REPRESENTATIVE BITNEY** replied he can get a fiscal note, because it will be a dramatic saving to all the counties.

REPRESENTATIVE MASOLO stated she has carried laws like this one to help eliminate the cost. She has been approached by the Postmaster to do something about the mailings. She then asked if the bill would help this issue. **Elaine Gravely** replied yes, there are 185,000 inactive voters in Montana today and this would help immensely.

REPRESENTATIVE OLSON asked whose responsibility is it to see that an individual is registered to vote, the individual's or the Clerk and Recorder's. **Mathew Leow** replied it is the responsibility of the voter to make sure they are registered, however, it is the responsibility of the Clerk and Recorder to make sure they do not create confusion for some voters who thought they were registered to vote, but were not.

Closing by Sponsor:***{Tape : 1; Side : B; Approx. Time Counter : 6.6}***

REPRESENTATIVE BITNEY stated this is a good bill and will clean up some language in the statute and make it a better system to work with.

HEARING ON HB 231

Sponsor: **REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH**

Proponents: None

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 7.1}

REPRESENTATIVE BOB LAWSON, HD 80, WHITEFISH, stated this is an act revising the monthly pension payable to a Volunteer Firefighter. He then submitted and discussed sections of a copy of MCA. **EXHIBIT(sth12a01)**

Questions from Committee Members and Responses:

REPRESENTATIVE OLSON asked who appoints or elects the Board of Trustees of the Volunteer Firefighters. **REPRESENTATIVE LAWSON** replied the Board of Trustees should consist of seven members; the President of the Fire Department Relief Association, Chief of the Fire Department, and five members who are elected by the Firemen themselves.

REPRESENTATIVE LEHMAN questioned if the Board of Trustees of the Association is the local fire association. **REPRESENTATIVE LAWSON** replied yes. **REPRESENTATIVE LEHMAN** then asked if this will affect the rural fire department's retirement pension.

REPRESENTATIVE LAWSON replied there are three types of pensions for the firefighters: 1. The Firefighters Unified Retirement System, 2. The Fire Department Relief Association, and 3. Volunteer Firefighters' Pension Program. This bill refers only to the Fire Department Relief Association, which only effects cities or towns.

REPRESENTATIVE LEE asked if an individual fell out of the Board of Trustees, would they then not receive the pension.

REPRESENTATIVE LAWSON said he felt they have some kind of protection.

REPRESENTATIVE BROWN questioned, since the volunteers choose their Board of Trustees, are the individuals receiving the benefits also deciding the benefits. **REPRESENTATIVE LAWSON** stated yes, that is the way he understands it, however, they are audited on a regular basis. They turn in reports on a yearly basis to the Department of Commerce and to the State Auditor's Department.

REPRESENTATIVE RASER asked what are the number of communities that are currently at the cap. **REPRESENTATIVE LAWSON** stated he sent out a generic letter asking how they feel about the bill. All the responses were "the bill does not affect us". He said he does not know the answer.

REPRESENTATIVE RIPLEY asked if a Fire Department does not have the resources and were at the cap, could they, through statute 19-18-504, increase their resources to allow them to increase their pay. **REPRESENTATIVE LAWSON** replied, it is a decision that can be made by 19-18-504, however, the Fire Department does not make the decision. This could have an effect on local tax payers.

Closing by Sponsor:

{Tape : 1; Side : B; Approx. Time Counter : 28.1}

REPRESENTATIVE LAWSON stated this legislation will not affect state funds. It could have effect on local individual's taxes, however, the Fire Department will not do anything the city does not want to do and the city will not do anything their local citizens do not want to do. Last session State Administration Committee heard HB 570, almost the same bill as HB 231. In HB 570, no caps were set, so this session caps were raised appropriately and set. This was the wish of the House of Representatives two years ago, and that is what he is trying to do now.

ADJOURNMENT

Adjournment: 9:00 A.M.

REP. ALLAN WALTERS, Chairman

RUTHIE PADILLA, Secretary

AW/RP

EXHIBIT (sth12aad)